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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,632	01/02/2001	Fred J. Zustak	SNY-P4146	9430

24337 7590 05/11/2004

MILLER PATENT SERVICES
2500 DOCKERY LANE
RALEIGH, NC 27606

EXAMINER

FAILE, ANDREW I

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 05/11/2004

4/3

Please find below and/or attached an Office communication concerning this application or proceeding.



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Paper No. 3

MILLER PATENT SERVICES
2500 DOCKERY LANE
RALEIGH NC 27606

In re Application of)
Fred Zustak, et al.)
Application No. 09/752,632)
Filed: January 02, 2001)
For: USER SELECTIVE ADVERTISING)


**NOTIFICATION OF
IDENTIFICATION OF PRIOR
ART IN LATE PROTEST UNDER 37
C.F.R. § 1.291(a)**

The protest filed March 29, 2004, is a proper citation under 37 C.F.R. §1.291(a); however it was filed after the July 04, 2002 publication date of the application.

Because the protest was filed after publication of the application it is not being entered in the application file. The original protest is enclosed with this letter and the duplicate copy submitted by the protestor is being destroyed in accordance with MPEP § 1901.06, Protest Filed After Allowance Or The Publication Of The Application.

If appropriate, Applicant may wish to consider submitting prior art from the protest pursuant to 37 C.F.R. §1.97 and 37 C.F.R. §1.56 during the prosecution of the application.

The protest did not satisfy the requirements pursuant to 37 C.F.R. §1.99 for failure to provide copies of the references and failure to pay the appropriate fee.


Dwayne D. Bost
Special Programs Examiner
Technology Center 2600
Communications

Enc: Protest (4 pages)